

By Lena Guerrero

H B. No. 2231

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of water wells.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 28, Water Code, is amended to read as follows:

SUBCHAPTER B. WATER WELLS

Sec. 28.011. UNDERGROUND WATER: REGULATIONS. The commission shall make and enforce rules and regulations for conserving, protecting, preserving, and distributing underground, subterranean, and percolating water located in this state and shall do all other things necessary for these purposes.

Sec. 28.012. INSPECTION OF WATER WELLS. The commission shall inspect water wells completed after January 1, 1988, to determine whether the construction of the wells meets the commission's standards.

Sec. 28.013. DRINKING WATER WELLS. At the time of inspection of a private well intended to be used as a drinking water supply, the inspector shall provide the well owner with educational material designed to encourage the owner to have the well water tested periodically for drinking water contaminants.

Sec. 28.014. CERTAIN WELLS TO BE PLUGGED OR CASED. The owner of a water well which encounters salt water or water containing mineral or other substances injurious to vegetation or agriculture shall securely plug or case the well in a manner that

1 will effectively prevent the water from escaping from the stratum
2 in which it is found into another water-bearing stratum or onto the
3 surface of the ground.

4 Sec. 28.015. WATER WELL FEE. (a) The commission shall
5 impose a one-time fee on each new water well in this state.

6 (b) The commission shall set the fee in an amount that is
7 sufficient to pay the commission's costs in administering the water
8 well regulation program.

9 (c) A fee set by the commission under this section may not
10 exceed \$100.

11 Sec. 28.016. WATER WELL FUND. (a) The water well fund is
12 created in the state treasury.

13 (b) Fees collected under this subchapter shall be deposited
14 in the state treasury to the credit of the water well fund.

15 (c) Money in the water well fund shall be used to pay the
16 costs of inspecting new water wells, enforcing this subchapter,
17 other laws, and rules relating to water wells and water well
18 drillers.

19 Sec. 28.017. CORRECTIVE ACTIONS. The commission shall
20 require corrective action by the owner of a new or existing water
21 well that does not meet the commission's standards for well
22 location, completion, capping, or plugging, if the commission finds
23 that the well threatens to cause groundwater contamination.

24 Sec. 28.018. [28-013-] PENALTY. If the owner of a well that
25 is required to be cased or plugged by this chapter fails or refuses
26 to case or plug the well within the 30-day period following the
27 date of the commission's order to do so or if a person fails to

1 comply with any other order issued by the commission under this
2 chapter within the 30-day period following the date of the order,
3 he is guilty of a misdemeanor and upon conviction is punishable by
4 a fine of not less than \$10 nor more than \$500. He commits a
5 separate offense each day the failure or refusal continues after
6 the 30-day period.

7 SECTION 2. This Act takes effect September 1, 1987.

8 SECTION 3. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

H. B. No. 2231

By L. G. Herrera

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MAR 13 1987

1. Filed with the Chief Clerk.

MAR 26 1987

2. Read first time and Referred to Committee on

Natural Resources

3. Reported favorably (as amended) and sent to Printer at _____
(as substituted)

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____